

# Tomasz Soroka

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## Quebec's Politics of Language: Uncommonly Restrictive Regime or Ill-Repute Undeserved?

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**Tomasz Soroka**

Jagiellonian University

## **QUEBEC'S POLITICS OF LANGUAGE: UNCOMMONLY RESTRICTIVE REGIME OR ILL-REPUTE UNDESERVED?**

### **Abstract**

This article examines the reasons of criticism and negative reactions with which Quebec's language law is frequently met both inside and outside Canada. The article gives an overview of Quebec's language regulations, presenting them both in historical and contemporary contexts. The analysis is focused on three areas where the influence of Quebec's language law is most evident and, at the same time, most fervently debated, i.e. in business and commercial signage, in legislation and public administration, and in education. Quebec's linguistic regulations are presented in a wider context of the language laws adopted by other Canadian provinces and on the federal level. Such a comparative study of Canadian language regimes is aimed to examine: a) whether the criticism and ridicule that Quebec often receives for its language policy is deserved and justified, b) whether Quebec's language law is indeed so uncommonly restrictive by Canadian standards and practice. The article also evaluates the relevance and effectiveness of the Quebec language policy.

### **Résumé**

Cet article examine les raisons de la critique et des réactions négatives avec laquelle la loi linguistique du Québec est fréquemment confronté tant à l'intérieur et à l'extérieur du Canada. L'article donne un aperçu des règlements linguistiques du Québec en les présentant dans des contextes historique et contemporain. L'analyse se concentre sur trois domaines où l'influence de la loi linguistique du Québec est plus manifeste et, en même temps, plus souvent débattue, à savoir dans les affaires et l'affichage commercial, dans la législation, dans l'administration publique et dans l'enseignement. Les règlements linguistiques du Québec sont présentés dans un contexte plus large des lois linguistiques adoptées par les autres provinces canadiennes et au niveau fédéral. Une telle étude comparative des régimes canadiens

de langue vise à examiner: a) si la critique ou la ridiculisation dont le Québec fait souvent l'objet pour sa politique linguistique est méritée et justifiée, b) si la loi linguistique du Québec est en effet si restrictive face aux normes et aux pratiques canadiennes. L'article évalue également la pertinence et l'efficacité de la politique linguistique du Québec.

## Introduction

Quebec, with its linguistic landscape and language policies, is unique among Canadian provinces. It is the only province that: a) is overwhelmingly French-speaking (over 94% of Quebecers can speak French) (Statistics Canada, *Censuses*), b) recognizes French as the sole official language, c) restricts the use of English and the access to education in English. Quebec enacted its first official language legislation no sooner than in the end of 1960s. Before that the province was subject only to the provisions of federal laws. Numerous laws adopted since then have always been aimed at supporting, protecting, and promoting French language and Francophone culture. Alongside New Brunswick, Quebec pioneered in Canada in the implementation of detailed language laws, becoming a focus point in debates over languages in Canada and abroad. The language policy of Quebec, to some degree, also influenced the First Nations and the Inuit of Canada to fight for their linguistic rights and served as a point of reference for the discussion over linguistic policies in Britain (Wales, Scotland), Spain (Catalonia) or in the U.S. (Lachapelle 214-222). Nonetheless, Quebec's linguistic regulations have been highly contested pieces of legislation; they were challenged in Canadian courts, derided and mocked in domestic and international media and denounced by international organizations as excessively restrictive, discriminatory or even totalitarian.

## Historical background

Canada has a long history of unequal treatment of Francophones. The Royal Commission on Bilingualism and Biculturalism (RCBB) confirmed this sad fact in its report (1967-1970), admitting that Francophones had long been discriminated both by federal and provincial authorities in far too many walks of life: French language was underused in federal and provincial institutions; French Canadians were underrepresented in governmental ranks, federal public service and economic structures; Francophones living outside Quebec were largely deprived of French-language education (Hayday 35-42). All this created a feeling of language insecurity among French Canadians. The dreadful vision, shared by many of them, that Canadian Francophones would inevitably be assimilated to the Anglophone majority was crucial for the rise

of Quebec's separatism and its subsequent popularity among Quebecers. Quebec's secessionists have always regarded the protection of the French language as the core element of their political program. To this end, they have served as the foremost advocates of the adoption of protective legislative measures that would make Quebec a bastion of defence for Frenchness in North America (Bishai 120-122).

Until 1960s, however, Quebecers were not excessively assertive in demanding that their linguistic rights be recognized and respected. It was only during a period known as the *Quiet Revolution* (1960-1966) that language matters were elevated to prominence in political debates. The *Quiet Revolution* – a time of thorough economic, educational, and social reforms – transformed Quebec from a rural and underdeveloped province to a secular, modern, and economically thriving society. The successful reforms, which resulted in the Francophones taking the oversight of the Quebec's economy and politics, raised both political self-confidence of Francophones and their linguistic awareness, triggering language debates and leading to the enactments of the first Quebec's language laws openly aimed at making French the privileged language in Quebec (Bourhis 113).

The passage of the first language acts in Quebec coincided with the adoption of the *Official Languages Act* (OLA) in 1969 by the federal parliament. The OLA was a far-reaching legislation – actually, one of the very few addressing Francophone concerns over language barriers. It was also the first law in Canadian history to recognize the official and equal status of English and French in all federal institutions (s. 2). In 1982, the *Canadian Charter of Rights and Freedoms* (CCRF), constitutionalized the federal policy of bilingualism and supplemented it by the protection of minority language educational rights (s. 23), which are discussed later in this article.

In 1988, a new federal *Official Languages Act* replaced the 1969 OLA. The new legislation, with over a hundred sections that are still in force, is one of the world's broadest and most precise language laws. It upholds compulsory bilingualism and equality of English and French in all federal institutions and the institutions that serve the public on behalf of the federal bodies. The 1988 OLA also requires that all the documentation – including agreements between the federal and provincial governments and international treaties and conventions – be produced simultaneously in both official languages (s. 13). Bilingualism in courts is enhanced by granting defendants and witnesses the right to be understood in French or English (or both) “without the assistance of an interpreter” by the judges of all federal courts, except the Supreme Court of Canada (s. 16.1).

The adoption of federal official bilingualism has had a number of positive effects on the position of French language in Canada. It inspired the adoption of French-English bilingualism by federally owned institutions or privatized

federal corporations. (Vaillancourt and Coche, *Official Language Policies at the Federal* 16–21). In the long term, it made the federal government services more easily accessible for French speakers and – since the knowledge of French had become a requirement for many job positions – the employment of Francophones in the federal administration increased (Gentil, Bigras, and O'Connor Maureen 83). Furthermore, the constitutional provisions of the CCRF's section 23 forced Anglophone provinces to extend educational rights to their Francophone minorities. This “gave Francophones outside Quebec access to French schools,” creating of what is now called by media a generation of “section 23 kids” who attended these schools (Schwartz).

Nevertheless, the federal policy of bilingualism has its limitations. First, it is sanctioned only on federal level and, save for rare exceptions, it does not oblige provincial (or municipal) authorities to conform to bilingual requirements. Thus, in the areas of provincial jurisdiction, changes were less dynamic and on a smaller scale, despite the federal money being transferred to provinces to boost bilingualism. Second, the right to “communicate with and obtain available services” from federal institutions in both official languages is applicable only to the regions “where there is significant demand” for bilingual services (OLA, 1969, s. 9.2 and 10.3; OLA, 1988, s. 22 and 23). Therefore, in many areas with insignificant Francophone minority (or Anglophone in case of Quebec) federal institutions remain largely unilingual.<sup>1</sup>

Given all these shortages, no wonder that in Quebec the reassurances and linguistic rights contained in the OLAs and in the Constitution (which Quebec refused to sign and ratify) were considered insufficient, ineffective and enacted too late. In the opinion of Quebec's leaders, the protection of French language required more rigorous legislative measures.

Quebec's first language law was passed even before separatist *Parti Québécois* (PQ) took the helm of the Quebec's government. Bill 63, or *An Act to promote the French language in Quebec*, adopted in 1969, required that all Quebec's non-Francophone children be taught French as the second language, but did not limit the parents' freedom to choose English instead of French as the language of school instruction for their children (Levine 79-80).

In 1973, a so-called Gendron Commission, or the Commission of Inquiry on the Situation of the French Language and Linguistic Rights in Quebec, observed in its voluminous report that Quebec's economy, labour market, interethnic communication were dominated by English language. Given those

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<sup>1</sup> What fulfils the criterion of “significant demand” is explained in the *Official Languages (Communications with and Services to the Public) Regulations* of 1991, according to which a federal office must serve its clientele in both languages if it is located in the area where a minority language population is 5,000 people or more, or at least 500 people but constituting no less than 5% of the population (s. 5).

circumstances, the Commission concluded: "French can survive and flourish on the North American continent only with a maximum of opportunity and protection throughout Québec; and this can be accomplished only by making it a useful communication instrument for all the people of this area" (Chevrier 8). The Commission's advice to Quebec's government was to declare French the province's official language and the language of internal communications in the provincial government. It also recommended that the use of French be made obligatory on commercial and public signage and urged the provincial government to promote the use of French at work and in everyday social interactions.

In 1974, many of those recommendations were included in Bill 22, or the *Official Language Act* – Quebec's first law ever recognizing French as the official language of the province. The new legislation also regulated labour and business relations, requiring that employers have the right to use French as the language of communication at work and that signage and documentation be obligatorily produced in French in all companies dealing with provincial institutions. Furthermore, Bill 22 limited the right to receive education in English only to students able to prove they knew English by passing appropriate tests; this provision virtually closed the access of immigrant children to English language schools (Levine 99-101).

The above acts were rejected by Quebec's Anglophones and allophones (linguistic minorities whose native languages are neither French nor English) as the measures radically constraining their language and educational rights. Neither were they accepted by Quebec's separatists, for whom the laws inadequately promoted French language among immigrants or in labour and business relations (Martel and Pâquet 162-166).

The breakthrough came with the first victory of the separatist *Parti Québécois* in the 1976 Quebec provincial election. As it was stated in the 1977 White Paper published by Camille Laurin, the Minister of State for Cultural Development in the PQ cabinet, the very existence of French language in Quebec was threatened by the immigrants' reluctance to integrate into Francophone majority and by the predominance of English in business and at work. Radical changes to improve the status of French in Quebec were recommended and those suggestions served as the basis for a new language law in Quebec, which was promptly adopted by the PQ government in August 1977 (Jedwab). Bill 101, known better as the *Charter of the French Language* (CFL), declared French the sole official language of the province – i.e. the language of the provincial government and all Quebec's public institutions, including the provincial legislature and courts. To this day the CFL remains the key law regulating language policies in Quebec, even though its most controversial provisions have either been amended or removed.

The CFL and subsequently enacted laws, which guarantee French a privileged position over other languages in Quebec, are highly contested pieces of legislation. Their constitutionality has been challenged in Canadian courts; they were also denounced by international organizations, English Canadian and international media as excessively restrictive, overprotective or discriminatory, sometimes even as harassing and violating the basic principles of freedom of speech and expression. A closer look into the negative reactions reveals one regularity – what makes the Quebec language law unique faces also the sharpest criticism.

### **Language of business and commercial signage**

The most widely discussed (and derided) in Canadian and international media are the provisions of the CFL which deal with the use of language on public and commercial signage and inside of workplaces and business institutions. The 1977 original version of the CFL contained very restrictive provisions, introducing – save for rare exceptions – unilingual, French-only signage on almost all types of “public signs and posters and commercial advertising” and in companies’ names (qtd. in the Supreme Court of Canada’s decision in *Ford v. Quebec (Attorney General)*). These provisions have not only become the source of a few rounds of litigation from private persons and companies, but were also harshly criticized and rejected by Canadian courts and international tribunals.

The first rulings came from the Superior Court of Quebec and the Quebec Court of Appeal, respectively in 1984 and 1986. Both courts judged that Quebec’s ban on the use of other languages than French violated the rights to freedom of opinion and expression enshrined both in the Quebec *Charter of Human Rights and Freedoms* (s. 3) and in the CCRF (s. 3). Freedom of expression, according to the rulings, “included freedom to express oneself in the language of one’s choice and extended to commercial expression.” Striking down the controversial provision (CFL, s. 58) as unconstitutional, the courts admitted that Quebec had no right to impose French-only signage; it could lawfully merely require “that French be used with any other language” (qtd. in *Ford v. Quebec (Attorney General)*, at paras 18 and 19).

The Quebec government, dissatisfied with the judgements, launched an appeal to the Supreme Court of Canada. In 1988, Canada’s top court, however, in its landmark decision in *Ford v. Quebec (Attorney General)* upheld the rulings of the lower courts. A language, the court stated, “is so intimately related to the form and content of expression that there cannot be true freedom of expression by means of language if one is prohibited from using the language of one’s choice.” In the court’s opinion, citizens were free, “in the

entirely private or non-governmental realm of commercial activity,” to display signs and advertisements in the language they liked (at para 40). This did not preclude Quebec's right to promote French language in public, also on indoor and outdoor signs (at para 43), but it could not be achieved by totally banning the use of other languages. Nevertheless, it was legal for Quebec – the Supreme Court ruled in *Devine v. Quebec (Attorney General)* in 1988 – to adopt a law that would require “either joint or predominant use” of French on public signs (at paras 23-24).

Quebec lifted the controversial provisions gradually, slowly and rather reluctantly, which further damaged the reputation of the Quebec language law. Bill 178, or “the sign law”, passed in 1988, introduced only minor changes (Whitaker 77), allowing for the limited use of non-French indoor signs, but permitting only French language on outdoor signage (Bourhis 128). Additional controversies were raised when Robert Bourassa, Quebec's premier, invoked a notwithstanding clause – a specific mechanism included in the CCRF (s. 33) (Conrick and Regan 66). With this move he blocked the possibility of challenging Bill 178 in Canadian courts, which angered Quebec's Anglophone community, but it gave the Quebec government additional five years to adjust the language law to the Supreme Court's rulings.

The notwithstanding clause, however, did not protect the Quebec law from being contested outside Canada. In the most controversial case – *Ballantyne, Davidson, McIntyre v. Canada* – three Anglophone businessmen from Quebec challenged Quebec's language regulations in the United Nations Human Rights Committee (UNHRC). They claimed that a ban on naming and advertising their company in English amounted to ethnic and linguistic discrimination, breached their minority rights, violated their freedom of expression and suspended their human rights enshrined in the *International Covenant on Civil and Political Rights*, to which Canada was a signatory. The UNHRC issued its verdict in May 1993, ruling that the ban on English-language outdoor advertising in fact served no legitimate purpose and was a violation of the right to free expression (at para 11.3). The UNHRC's ruling in this matter was indeed almost an exact copy of the judgments of the Supreme Court of Canada in *Ford v. Quebec* and *Devine v. Quebec*, and reads as follows:

The Committee believes that it is not necessary, in order to protect the vulnerable position in Canada of the francophone group, to prohibit commercial advertising in English. This protection may be achieved in other ways that do not preclude the freedom of expression (...). For example, the law could have required that advertising be in both French and English. A State may choose one or more official languages, but it may not exclude, outside the spheres of public life, the freedom to express oneself in a language of one's choice. (at para 11.4)

The Committee urged the governments of Quebec and Canada “to remedy the violation (...) by an appropriate amendment to the law” (at para 13).

Exposed to the criticism of the international human rights experts, the Quebec government brought Quebec’s language law in conformity with the judgments of the UNHRC and the Canadian courts. This was achieved only a month after the UNHRC’s ruling, in June 1993, by the passage of Bill 86, which amended the *Charter of the French Language*. The new law, still in force, continues to require that French language be used in almost all available services, products and printed documentation (CFL, s. 52 and 57). Nonetheless, it permits the use of other languages than French on public signage and commercial advertising, provided that “no inscription in another language [is] given greater prominence than that in French” (CFL, s. 51) and “that French is markedly predominant” (s. 58). In a separate legislation it is explained that “French is markedly predominant where the text in French has a much greater visual impact than the text in the other language,” i.e. the French text is “at least twice as large” and French-language signs or posters are “at least twice as numerous” as those in other languages (*Regulation defining*, s. 1-3). French text can also be placed on the left-hand side or above the information in the other language so that it is more visible and read first. Additionally, there are separate regulations (Rogers and Gauthier 54-61), equally complex, which define the use of languages in such areas as commerce and business, tourist centres, means of transportation, cultural institutions, scientific events, etc. (Office québécois de la langue française, *Regulations*).

Although Bill 86 lifted the ban on the use of English in public, Quebec’s Anglophones continued challenging constitutionality of the law in Canadian and non-Canadian courts, but to no avail. In 1994, the UNHRC examined the matter in *Singer v. Canada* and ruled that the discriminatory provisions which had been denounced by the Committee in *Ballantyne, Davidson, McIntyre v. Canada* no longer existed after being amended by Bill 86 (Cotter 145-147). In 2001, the Quebec Court of Appeal recognized in *Quebec (Attorney General) v. Entreprises W.F.H. Ltée* that French language was threatened by Anglicization and thus, as long as the use of other languages was not entirely banned, special protection of the language in Quebec’s law was justified (Harrt 514).

Nonetheless, controversies still surround Quebec’s language law. They are mostly connected with the law’s unique application in private business sector, workplaces and trade. As a matter of fact, Quebec is the only jurisdiction in Canada and one of the few in the world to demand openly from private companies that they function in a particular language. Two full chapters (VI and VI) of the CFL are exclusively devoted to regulate the use of language in labour and business relations. The regulations generally require that all written communications drawn up by employers and trade unions, offers of employment, job application forms and collective agreements be in French

language or at least be translated into French (s. 42 and 44). Furthermore, save for the jobs where the knowledge of foreign languages is essential, nobody can be refused a job, dismissed, transferred or fired “for the sole reason that he is exclusively French-speaking or that he has insufficient knowledge of a particular language other than French” (s. 45-46).

The most contested provisions of the CFL require from companies operating in Quebec to adopt French-language names as a condition to “obtain juridical personality” (s. 64). In all cases – except where the name of the company is a family name, a place name, or “the artificial combination of letters, syllables or figures” (s. 67) – other languages are allowed only if the French version of a company’s name is also used and “appears at least as prominently” (s. 68). Businesses operating in Quebec present various attitudes to these regulations. Some companies have complied. For example, KFC, or Kentucky Fried Chicken, is known in Quebec as PFK, or Poulet Frit Kentucky. Other businesses, such as coffee retailers Second Cup and Starbucks, have only added French-language descriptions to their logos and operate in Quebec as Les Cafés Second Cup and Café Starbucks (“Big retailers”). However, a number of businesses – including such large North American retailers as Walmart, Costco, Gap, Old Navy or Best Buy – refuse to modify their names, claiming they are registered trademarks and rebranding would be too expensive. In April 2015, they even won a legal battle against the Quebec government before the Quebec Court of Appeal (“Quebec to tighten”).

Another frequently challenged provision of the CFL requires that restaurant menus and wine lists be drafted in French (s. 51). History is rich with examples of shop and restaurant owners being overexcessively targeted for disobedience by the *Office québécois de la langue française* (OQLF), a watchdog institution tasked with enforcing Quebec’s language law, whose overzealous and frequently uncompromised imposition of linguistic regulations on private businesses earned it a notorious nickname of the ‘language police’. In 2013 alone, several cafes and restaurants in Montreal attracted OQLF’s attention because either their names were not French enough (Hamilton) or their slogans and menu cards contained unacceptable borrowings from Italian, such as ‘pasta’ or ‘polpette’ (Hopper). The absurdity of OQLF’s controls immediately caught the interest of Internet users (Berlach) and of Canadian and international media, resulting in over 350 articles being published in several countries (Duhaime). Most of them ridiculed OQLF’s inspectors and presented Quebec’s language regulations as a caricature of law. It was enough to look at the titles to guess the content of the articles: “Foolish language police make province a joke” (Duhaime), “Even Francophones are waking up to Quebec’s language folly” (Hamilton), “Pasta found in violation of Quebec laws...” (Hopper) or, in Polish, “Bareja po kanadyjsku? Policja

językowa w Quebecu” [“Canadian Bareja?<sup>2</sup>: Quebec’s language police] (Lach). Bad publicity embarrassed Quebec’s authorities and resulted in the adoption of new procedures to the OQLF’s language controls, which now focus more on violations of the language law that are of public concern, less on those affecting only individuals (Marquis).

Nevertheless, the long-lasting criticism of Quebec’s language policies – as seen either in the rulings of the Canadian and international judiciary bodies or in media reactions to the OQLF’s language inspections – has left a scar on Quebec’s international reputation or even made Quebec a “public laughingstock” (Thanh Ha). This was confirmed by Quebec’s minister responsible for the French language, who openly admitted in 2013 that the so-called ‘pastagate’ “had an undesired effect on the businesses (...) the public, and Quebec in general” (Canadian Press). In actuality, Quebec’s politics of language had more negative effects, also for the province’s demography and some aspects of its economy. According to Norman Berdichevsky, since the 1970s, more than 300,000 English-speaking Canadians have emigrated from Quebec (83), fearing the new language laws and separatism. That outflow of people and capital transfer to English Canada impoverished Quebec, “damaged Montreal’s economy (...) and aided the rise of Toronto (...) to replace Montreal as Canada’s pre-eminent metropolis” (Boberg 12).

One may thus say that the internal and international critique of Quebec’s language laws is well-founded and deserved. Indeed, the criticism may have much merit, especially when it is directed at the absurdities with which the law happens to be enforced. But it can also be selective and one-sided as is the case with the OQLF, whose everyday work, in fact, raises very few controversies as fines or other legal restrictions are imposed on a marginal proportion of businesses supervised by OQLF (less than 5% in 2013) (Office québécois de la langue française, *Rapport* 39). However, in many publications and comments Quebec’s linguistic policy has been denounced as overprotective, excessively rigorous, oppressive, discriminatory etc. It has even been dubbed a “rare case of a truly complete denial of guaranteed right of freedom” (*Ford v. Quebec (Attorney General)*, at para 66) and compared to the apartheid of South Africa and language policies of the Soviet Union (Kondaks).

Does Quebec’s language law deserve such a harsh criticism? Is the actual politics of language in Quebec so originally and uncommonly restrictive? A closer study of language laws in Quebec and other Canadian provinces shows that the opinions critical of Quebec can often be overstated, unfair and unduly

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<sup>2</sup> Stanisław Bareja was a Polish foremost film director famous for depicting in his movies the absurdities of everyday life in communist Poland.

focused exclusively on the restrictive nature of Quebec's language law. Such approach ignores the law's positive and liberal aspects, visible in such areas as politics and law or education.

### **Language of legislature and public administration**

Quebec's uniqueness lays in the fact that, on the one hand, it has the most numerous official language minority population in Canada – almost 770,000 Anglophones (Statistics Canada, *Focus*), but, on the other hand, it remains the only Canadian province to have recognized French as the sole official language as well as “everyday language of work, instruction, communication, commerce and business” (CFL, Preamble). In practice, however, Quebec's French-language unilingualism is such only by name, because the provisions of the Canadian Constitution and the rulings of the Supreme Court of Canada have compelled Quebec to adopt – at least in some form and in some areas – the policy of French-English bilingualism. Such is the case with the proceedings in the Quebec's courts and the provincial legislature, where “either the English or the French Language may be used by any Person” (*Constitution Act, 1867*, s. 133) and where all texts adopted must be printed and published in both English and French (*Att. Gen. of Quebec v. Blaikie et al.*, 1979, on page 1023).

Based on how widespread and extensive the rights of official linguistic minorities are, Quebec is today ranked at the very top among the Canadian provinces and territories (Vaillancourt et al., *Official Language Policies of the Canadian Provinces* 8). According to the University of Ottawa's Site for Language Management in Canada (SLMC), Quebec is one of only three Canadian provinces (alongside New Brunswick and Ontario) running a so-called broad-based language policy. Such a policy is detailed, carefully planned and distinguished by “dealing in principle with all aspects of society: legislation, justice, public services, education, etc.” Other provinces' language policies are less comprehensive as they either focus only on certain aspects of linguistic issues (education or civil administration) or generally offer little beyond what has already been sanctioned by the Constitution or court rulings (SLMC, *Broad-Based Language Policies in the Provinces*). In fact, Quebec, New Brunswick, and Manitoba are the only provinces whose language policies are additionally strengthened by the provisions of the Canadian Constitution.

Moreover, Quebec today offers English-language services much beyond the minimum that is required by the constitution. As of 2014, for instance, Quebec had over 100 municipal bodies with bilingual status, which provided a full range of services to Anglophone Quebecers in their language (Office québécois de la langue française, *Organismes*); this made Quebec a province with the most widespread bilingualism in municipal institutions. Interestingly, it is Quebec's

provincial law, not the federal or constitutional regulation, that grants bilingual status to municipalities where “more than half the residents have English as their mother tongue” (CFL, s. 29.1). Moreover, Quebec’s Anglophones can communicate with the provincial civil administration in English (CFL, s. 15) and are entitled to a full and unrestricted access to the English-language medical and social services (*Act Respecting Health and Social Services*, s. 15). As reported by the Statistics Canada, Anglophones in Quebec have a far better access to English-speaking health care professionals than Francophones outside Quebec have to French-speaking doctors. According to the study, as of 2006, 51.1% and of Quebec’s doctors used English regularly at work and 85.5% could speak the language. This contrasted sharply with a low rate of medicine doctors outside Quebec able to speak French (21.1%) and using it regularly (6.1%) (Statistics Canada, *Evaluation*). No later than in 2007, there were still provinces in Canada that provided no significant health services in French; the list included: British Columbia, Alberta, Saskatchewan, Nova Scotia, Prince Edward Island, and Newfoundland and Labrador. Outside Quebec, only New Brunswick required that health institutions in the province serve in the official language of patient’s choice (Vaillancourt et al., *Official Language Policies of the Canadian Provinces* 28, 34, 38, 96, 113, 119, 124).<sup>3</sup>

As a matter of fact, only New Brunswick runs a more developed language policy and offers more linguistic rights to its official language minority than Quebec. As the only province declared fully bilingual by the CCRF (s. 16.2-22.2), New Brunswick grants English and French the full “equality of status and equal rights and privileges as to their use in all institutions” (CCRF, s. 16.2), communication, services and courts (*Official Languages Act*, SNB, s. 19.1) and in municipalities “whose official minority language population represents at least 20%” and the cities “irrespective of the percentage” (SLMC, *Broad-Based Language Policies in the Provinces*).

Other Anglophone provinces and territories, while having distinct language regimes, generally give fewer practical rights to minority-language groups, Francophones included. Ontario, for instance, requires that provincial laws “be introduced and enacted in both English and French” (*French Language Services Act*, s. 3.2) and permits the use of French and simultaneous English-French interpretation during the debates of the provincial legislature and hearings before provincial courts (Hudon). Nonetheless, Ontario’s institutions or publicly subsidized corporations provide all services in French only in 25 designated areas, where Francophones either constitute at least 10%

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<sup>3</sup> In March 2013, the federal government initiated the *Roadmap for Official Languages 2013-2018: Education, Immigration, Communities* (Official Languages Secretariat), whose important part is *Official Languages Health Contribution Program*, aimed at, inter alia, improving access to French-language health services outside Quebec (Health Canada).

of the population or their concentration exceeds 5,000 people (Association française des municipalités de l'Ontario).

In Manitoba, provincial laws are published both in English and French and French can also be used in the provincial legislature and courts only because such is the requirement under *Manitoba Act* of 1870 (s. 23) and the province had to be forced to obey it by two rulings of the Supreme Court of Canada in *Attorney General of Manitoba v. Forest* and in reference *Re Manitoba Language Rights*, in 1979 and 1985 respectively. Just as it is in Ontario, French-language services in Manitoba are provided in full scope only in designated areas, i.e. in six completely or partially bilingual centres (Francophone Affairs Secretariat 1, 4) in the regions where “there is a high degree of French language vitality” (*Bilingual Service Centres Act*, Preamble).

Saskatchewan and Alberta, similarly to Quebec, are officially unilingual, which means that laws and regulations are enacted and published by default in English (*Language Act*, SS, s. 12; *Languages Act*, RSA, s. 5). If one wants to address Alberta's provincial legislature in French, which is possible, “one must give warning before doing so and provide an English translation of one's speech” (Vaillancourt et al., *Official Language Policies of the Canadian Provinces* 31). In Newfoundland and Labrador and in British Columbia there are actually no additional laws regulating the public use of language and English serves as a *de facto* language of politics, legislation, public service and administration.

As for the three Arctic territories – Yukon, the Northwest Territories, and Nunavut – they all grant a formal status to both English and French (and concessions to one or more Aboriginal languages) in their legislatures and courts, but other public services are offered in French on a pragmatic, cost-effective basis (French Language Services Directorate 3), i.e. only if “the nature of the office” so requires or when “there is a significant demand” for them (*Languages Act*, RSY, s. 6.1; *Official Languages Act*, RSNWT, s. 11.1; *Official Languages Act*, SNU, s. 12.3) or when it is relevant for public health and safety (*Official Languages Act*, SNU, s. 4.A). Given the very small number of Francophone residents in the territories – 2,555 persons in 2011 (Statistics Canada, *Section*) – the access to services in French is geographically and quantitatively limited, mostly to central or designated offices of territorial governments' institutions (Government of the Northwest Territories 7).

## Language of education

When compared with language regulations of other Canadian provinces, Quebec's *Charter of the French Language* appears to be uncommonly restrictive in regulating educational rights of Quebec's non-Francophone linguistic minorities. In the original 1977 version, the CFL reserved the right

to receive English-language instruction in Quebec's publicly subsidized schools only to children whose parents or siblings had "received elementary instruction in English in Quebec" (Kahn 100). This made all immigrants' children who moved to Quebec, including the ones from other Canadian provinces or English-speaking countries, automatically inadmissible to Quebec's English-language public schools.

Such restrictive measures, however, had to be lifted following the enactment of the *Constitution Act, 1982*, which guarantees that all Canadian citizen parents may choose English-language schooling for their children on the sole ground that they or their other children were educated in English anywhere in Canada (CCRF, s. 23), not just in Quebec, as it was originally required in the CFL. The same rights are granted in the CCRF to children of Francophone citizens of Canada residing in predominantly Anglophone provinces. In addition, the Supreme Court of Canada, in 1984, in its notable decision in *Attorney General of Quebec v. Quebec Association of Protestant School Boards et al.* ruled the original CFL's restrictions unconstitutional (on page 84). The court's ruling was officially recognized in Quebec's language law in 1993, when Bill 86 was passed to amend the CFL.

In its current version, the CFL fully respects the rights constitutionally guaranteed to Anglophone Quebecers. The law requires that Quebec's language policies be always pursued "in a spirit of fairness and open-mindedness, respectful of the institutions of the English-speaking community of Québec, and respectful of the ethnic minorities" (CFL, Preamble). It also recognizes the right of any child who has a Canadian citizen parent or a sibling educated in English in Canada to receive education in publicly subsidized English-language schools. Quebec, however, is exempted from the obligation to provide universal English-language education for children of all Canadian citizens who are native speakers of English (*Constitution Act, 1982*, s. 59). Paradoxically, it means that immigrants arriving in Quebec from the United States, Britain, Australia or any other English-speaking country, even upon receiving the Canadian citizenship, are legally deprived of the right to send their children to Anglophone public schools in the province. Such restrictions are not in place outside Quebec for immigrants for whom French is a mother tongue.

All the Quebec's restrictions, however, apply only to publicly subsidized kindergartens and elementary or secondary schools. Non-subsidized private and university education is not covered by the provisions of the CFL and is accessible to any child, provided their parent(s) can afford to pay tuition fees. Furthermore, it must not be forgotten that Quebec's language law was, first and foremost, adopted as a set of protective measure against the progressing Anglicization of Quebec. As such the CFL puts, perhaps, more limitations on Quebec's Francophones than on any other group. As Christopher Taucar rightly pointed out, "the only way French speaking students may receive an English language education is by enrolling in

private schools” (86). In fact, a large number of amendments to the CFL discussed and voted in the National Assembly of Quebec were aimed to make it virtually impossible for Francophone Quebecers to enrol their children in English-language private schools (“Quebec Liberals”; Kay).

Though it may appear so, Quebec’s language law generally does not treat immigrants stricter than federal regulations or laws in other provinces. Everywhere in Canada minority language rights extend to public education in the country’s official languages, French or English, not in immigrant languages. Whether in Quebec or outside of it, a great majority of immigrants cannot reap any benefits from the language regulations, having usually no choice but to send their children to French-language schools in Quebec or English-language schools in other provinces.

In practical terms, Quebec offers a much broader system of English-language education for its Anglophone residents than Francophones can in fact enjoy in any Anglophone province except for New Brunswick – where not only have they the right to “distinct educational institutions” and French-language schooling (CCRF, s. 16.1.1) – and, perhaps, Ontario, where a sophisticated system of Francophone educational institutions is in place (Éducation en langue française en Ontario). In Quebec alone, there are over 300 public English-language elementary and secondary schools (Quebec English School Boards Association), five pre-university colleges, or so-called cégeps (Fédération des cégeps), and three universities: Bishop’s, Concordia, and McGill (Ministère de l’Immigration, de la Diversité et de l’Inclusion, *University*). Such a developed institutional network gives Canadian-born Anglophone Quebecers a full access to schooling instruction in their mother tongue, which is clearly reflected in the statistical data. As of 2013, 88% of all 109,084 students eligible to education in English were enrolled in English-language schools (Luft). By contrast, because Francophones make up a small part of population in Canada outside Quebec, the tendency there (except for New Brunswick and Ontario) has been to deem the number of Francophones insignificant and abstain from providing for them the full-scope educational service in French (Hayday 51-62). The practical outcome of these disproportions is that Quebec provides a provincewide, comprehensive English-language system of education to its Anglophones while French-speaking Canadians outside Quebec – despite their victory in the legal battle before the Supreme Court of Canada in 1990 (*Mahe v. Alberta*) – have generally a far more limited access to French-language schooling. By comparison – except for Ontario with its eleven French-language colleges and bilingual universities – there are only eight French-language post-secondary schools in all other Canadian provinces combined. This is exactly as many as there are Anglophone public colleges and universities in the sole Quebec (Vaillancourt et al., *Official Language Policies of the Canadian Provinces*).

## Conclusion

As presented above, Quebec guarantees its Anglophone community linguistic rights in the areas of justice, legislation, law, education or health care that are in many aspects greater than those enjoyed by Francophones outside Quebec. University of Ottawa's Site for Language Management in Canada goes even further and claims that "the rights of the Anglophone minority [in Quebec] are doubtless the most extended of all Canadian minorities, if not of the entire Western world" and suggests that Anglophone Quebecers enjoy the same, if not better, position as Swedophones in Finland or linguistic minorities in Spain (SLMC, *Broad-Based Language Policies in the Provinces - Quebec*). Even if this is an overstated opinion, English-language services for Anglophone Quebecers are provided in all necessary areas of public life – practically, not theoretically.

Obviously, Quebec's linguistic regulations, like all language legislations, are not free of errors and imperfections. First, the enforcement of the Quebec language law by the OQLF happens to be overzealous, even grotesque, which, doubtless, has had a negative effect on how Quebec's linguistic policy is perceived abroad. Second, Quebec is the only Canada's jurisdiction where Anglophone affairs are not managed by a particular governmental department or office as it is with Francophone affairs in other provinces (Hudon). Third, Quebec's language law may look "insensitive to Anglophones" as their rights, though extensive, are scattered all over the CFL instead of being grouped in a separate chapter (SLMC, *Broad-Based Language Policies in the Provinces - Quebec*).

It is, however, important to understand the historical context of the passage of Quebec's laws. First, with rare exceptions, French language had not been treated fairly or equally to English by federal authorities before official bilingualism was sanctioned in 1969. Second, French as the language of majority in Quebec could not find its place in Quebec's economy and businesses, which had been dominated by Anglophone Canadians and Americans. This explains why the law remains so reserved when it comes to naming Anglophones openly as the addressees of privileges provided to them in the CFL. While Quebec's language law may indeed be somewhat coarse in the way it grants certain rights to Quebec's Anglophones, this is rather a technical or rhetorical shortage, which does not preclude Anglophones from receiving a wide range of full-value services in their own language in Quebec.

Furthermore, the critique frequently overestimates the scope and influence of Quebec's language regulations. Linguistic laws, just like any other pieces of legislation enacted by Quebec's National Assembly, can apply only to the spheres of provincial jurisdiction, limited by the Constitution. Thus, Quebec's

laws cannot regulate language policies of federal or international institutions, Crown corporations, First Nations reserves, even if they are located in Quebec. Neither can provincial legislation violate constitutionally guaranteed rights of Anglophones to use English in Quebec's courts and parliament or to educate their children in English. Finally, freedom of expression – enshrined in international, federal, and Quebec's law – makes it possible to regulate only some aspects of the public usage of language; how citizens use the language in private is exclusively their business.

Last but not least – despite being legally challenged, criticised and ridiculed – Quebec's language policies have been extremely effective in improving the condition and status of the French language in the province. Since the first legislative measures protective of French were introduced, the proportion of Quebecers using English as the language spoken at home has steadily declined – from 13.1% in 1971 to 8.2% in 2006. Even Quebec's Anglophones are now in majority (68.9%) bilingual persons and fluent French speakers (Chaput and Champagne 13, 15). Due to the policies promoting French as the language of school instruction, enrolment in Quebec's English-language schools fell from around 250,000 (15.7%) pupils to slightly over 100,000 (11%) (Chevrier 6). As for economy, Francophones had been immensely underrepresented in the Quebec's financial sector before the francization of labour and business relations, constituting only 25.8% of all employers in 1961; four decades later this proportion rose to 60.3% (Geloso 2). All these statistics clearly show that after the passage of the CFL French has become the language of education, social integration and economic power.

It does not mean, however, that Quebec's francization policies have hindered Quebecers' English-speaking capacities. Actually, the very growth of English-French bilingualism in Canada, as it is admitted in Canada's 2011 Census of Population, "was mainly due to the increased number of Quebecers who reported being able to conduct a conversation in English and French." Among Canadian provinces Quebec has the highest rate of population able to conduct a conversation in both Canada's official languages – 42.6%, compared to 9.7% in the rest of Canada. In all, Quebecers constitute 57.4% of all bilingual (English-French) Canadians (Statistics Canada, *Population*).

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**Tomasz Soroka** is affiliated to the Institute of American Studies and Polish Diaspora, Jagiellonian University, Krakow, Poland. His main areas of interest are: Canadian language and foreign policies, Canadian-British relations and Imperial/Commonwealth relations. In March 2010 he obtained his Ph.D. degree in political science defending a doctoral thesis titled: *The Role of Canada in the Transformation of the British Empire: Canadian-British Relations in the Interwar Period*. He has participated in several seminars and conferences in Europe and in Canada (incl. the ICCS Biennial Conference in Ottawa & the International Studies Association conventions in Toronto and New Orleans). He's been an awardee of grants offered by the International Council of Canadian Studies and Polish educational institutions. As a visiting scholar he's conducted research on Canadian foreign affairs at the University of Ottawa and at McGill University in Montreal.